IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 2137 OF 2007

Smt. Parvati Subarao Khandekar.... Petitioner

versus

President/Secretary
Naigaon Education Society, Mumbai..... Respondent.

Shri R.M.Momin for the petitioner
Shri P.N.Shastri for Respondents 1 and 2.
Shri MH.Solkar AGP for Respondents 3 and 4.

CORAM; A.P. DESHPANDE, J.
DATED; 18TH JUNE, 2007

P.C.;

1. The petitioner was proceeded against in a departmental enquiry on charges of misconduct. The management led evidence before the enquiry committee and acting on the report of the enquiry committee, the management terminated the services of the petitioner. Aggreived thereby the petitioner filed an appeal before the tribunal. The tribunal being of the opinion that the enquiry was not just and fair permitted the parties to lead evidence. Before the tribunal management led evidence in supoport of the charges and the petitioner as well led evidence. On appreciation of the evidence, the tribunal came to the conclusion that the charges are established and the punishment of termination was just and proper. It is

this judgment and order passed by the tribunal which is challenged in the present writ petition.

2. The learned counsel appearing for the respondent submitted that the tribunal has not properly appreciated the evidence on record. Perused the judgment and order passed by the tribunal. The tribunal has taken a possible view of the matter on the basis of evidence on record. The counsel for the petitioner has contended that the management had not maintained the confidential report as is required under Rule 15 of the MEPS rules and hence the decision to terminate stands vitiated.

3. Perused Rule 15. It has no bearing when an enquiry is held against the employee touching misconduct. Perused the order. It does not call for any interference. Hence writ petition is summarily dismissed.

...